

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Extended Study Session

October 26, 2009
6:00 p.m.

Council Conference Room 1E-113
Bellevue, Washington

PRESENT: Mayor Degginger, Deputy Mayor Balducci, and Councilmembers Bonincontri, Chelminiak, Creighton, Davidson, and Lee

ABSENT: None.

1. Executive Session

The meeting was called to order at 6:06 p.m., with Mayor Degginger presiding. There was no Executive Session.

2. Oral Communications

- (a) Kyle Griffith, owner of the Crab Pot Restaurant, expressed concern about stormwater runoff into Lake Bellevue causing flooding around businesses and residences on the lake. He explained that outflow from the BNSF right-of-way is not being maintained, and the company has not responded to numerous phone calls over the past six months. The creek was dredged last year, which prevented flooding for the time being, but it needs to be done again. Mr. Griffith said he met with Utilities Department staff, who suggested he approach the City Council. He explained that if the current rain continues, flooding will reach electrical boxes and cause more damage to structures around the lake. He asked the City Council to help with this emergency situation.

City Manager Steve Sarkozy acknowledged that this is a problem every year. Burlington Northern has proposed sale of the right-of-way to local public agencies, and appears unwilling to perform any maintenance along the line. He indicated that the City can declare an emergency, but it might ultimately need to be addressed through local action. Mr. Sarkozy said staff is working on the issue.

Mayor Degginger observed that this is an emergency that should be promptly addressed.

Councilmember Chelminiak suggested that perhaps the matter could be addressed through legal proceedings involving so-called attractive nuisances.

Deputy Mayor Balducci stated that another solution is to fix it and sue BNSF for the cost of cleanup. She said the problem will only get worse and must be addressed. Mr. Griffith noted that in the past he and his staff attempted to clear the weeds around the creek themselves. However, they were stopped by City staff who informed them they could be charged with trespassing.

Mr. Sarkozy said that enlarging the culvert under the BNSF right-of-way is needed to mitigate the problem. The City has not been able to convince BNSF to allow this solution.

Responding to Councilmember Lee, Mr. Griffith said that City staff who stopped his employees from clearing the vegetation mentioned concerns about the creek's role as a salmon habitat.

Responding to Councilmember Creighton, Mr. Griffith confirmed that the storm drain goes into the lake. He said there is a tremendous amount of water runoff from multiple sources up the slope that flows down to Lake Bellevue properties. He noted that the 1.5 inches of rain today caused the lake to rise six to seven inches. He observed that it is not just a matter of the lake collecting the rain, but that water is coming from a broader area for which the City is responsible.

Councilmember Creighton said similar situations in other parts of the community have been resolved with the construction of a culvert. He agreed that the City has some responsibility in addressing the problem.

- (b) Howard Katz noted that he is a member of the Lake Bellevue Board of Directors and the Lake Bellevue Water Quality Association. He explained that he spoke with City staff about the water runoff problem during the summer, and he was told to contact the BNSF company. After several weeks BNSF representatives came out and took photos, but they did not respond beyond that point. Recently he has been working with Phyllis Varner of the Utilities Department. However, BNSF is not being responsive to her either.

Mayor Degginger asked the City Manager to direct staff to make this issue an immediate priority.

- (c) Leslie Lloyd, Bellevue Downtown Association, reported on a briefing to the BDA Board of Directors about the Council's work to address the revenue shortfall in the operating and capital budgets. The BDA is concerned that monies in the Supplemental CIP (Capital Investment Program) Plan already allocated to downtown projects will be reallocated to unspecified projects in the general CIP Plan. Ms. Lloyd said it is imperative to stay on top of the traffic situation in downtown Bellevue in order to accommodate continued growth, including the addition of residences. The BDA supports the approved allocation to help fund the Performing Arts Center Eastside (PACE), and wants to preserve the opportunity to explore alternatives for the Downtown Circulator project. The BDA concurs with the City Council's request to consider changes to the maintenance and operations (M&O) revenue distribution policy.

3. Study Session

(a) Council Business and New Initiatives

Deputy Mayor Balducci reported on discussions among residents who live in a cul-de-sac on 103rd Avenue at Bellevue Way, adjacent to SR 520. They are concerned about how the future SR 520 project will affect access to their properties. The Washington State Department of Transportation has talked about installing two new traffic signals on that stretch of 103rd Avenue. Deputy Mayor Balducci noted that Councilmembers might be hearing from residents about these concerns.

(b) Management Brief – Update on Bellevue Cares Recession Response Task Force

City Manager Steve Sarkozy provided an overview of the Bellevue Cares initiative to address the impacts of the recession that are being felt throughout the community. An interdepartmental task force was created to identify ways to use existing resources to respond to changing needs among residents.

Parks and Community Services Director Patrick Foran described the significant increase in the demand for assistance from human services agencies, which includes a new population of individuals who did not need assistance in the past. He noted an update on the task force's activities in the meeting packet. The task force was charged with addressing the impacts of the recession quickly within available resources, and with monitoring a set of recession impact indicators (e.g., revenue trends, unemployment rate, utilities shut-off notices, food bank requests, etc.). The focus of this effort includes enhanced training for front-line City staff, increased community outreach, closer coordination with human services agencies, and the development of a monitoring system.

Cheryl Kuhn, Neighborhood Outreach Coordinator, said the first task of the Bellevue Cares effort was to compile information on community resources for those needing help. This information is available through the City's web site and printed brochures, and is used by staff to refer citizens to human services agencies. She noted ongoing neighborhood and faith-based activities throughout the year to assist others in need, including food, toiletries, and school supply drives. In addition, the involvement of local businesses has allowed the City to limit its expenditure at this point to approximately four percent of the allocation for this project.

Emily Leslie, Human Services Manager, described a component of the response known as external needs coordination, which involves human services agencies that are providing emergency financial assistance and other services for those feeling the effects of the recession. These groups have been meeting regularly since last spring, along with some of the referral agencies including staff from Mini City Hall at Crossroads Shopping Center, Eastside Domestic Violence, and a faith-based organization called Love Inc. The group has developed a shared database with up-to-date information on the eligibility requirements and available resources for

all agencies. They are exploring the feasibility of a shared intake form for those seeking assistance from multiple agencies.

Bellevue participated in a regional food drive among seven cities in east King County which ended on Saturday. The City also helped develop a regional web site called Eastside Helps, which is modeled in part on the Bellevue Cares web page.

Ms. Leslie referred to the Recession Indicators Report provided in Council's desk packet. Positive indicators include increased home values, improvement in the downtown office vacancy rate, a slight decrease in foreclosures, and a slight decrease in the unemployment rate. With regard to human services indicators, Ms. Leslie explained that what looks like a decrease in the number of meals provided between the first and second quarters actually reflects an influx of funds during the holidays at the end of the year. Additional positive indicators are a decrease in utilities delinquent accounts and shut-off notices. However, among City employees the number of retirement account hardship withdrawal requests and usage of the Employee Assistance Program have both increased.

Ms. Leslie reported that more than 100 City employees attended workshops held in July by the Crisis Clinic, which were focused on raising awareness of the stress and challenges presented by the recession. Mini City Hall staff have been supplemented by staff from the Civic Services and the Parks and Community Services Departments. Employee support of food drives and fundraising efforts has been strong this year as well.

Ms. Kuhn noted that usage of the Employee Assistance Program increased in part due to the efforts of the Human Resources Department to remind employees about resources available to them. There has been an increase in the number of citizens and City employees who are volunteering with local agencies. In addition to ongoing programs to adjust rates for low-income residents, the Utilities Department is referring citizens to other agencies that might be able to help them as well.

Mr. Foran characterized the activities as a low-key, behind the scenes effort demonstrating that the City of Bellevue and its citizens care about the community.

Councilmember Davidson thanked the City Manager and Leadership Team for their responsiveness to this Council priority, and staff for implementing programs and coordinating with other agencies within the community.

Councilmember Lee said he appreciates the City's response and efforts to mobilize the community, as well as the involvement of religious organizations. Mr. Lee said he and Deputy Mayor Balducci have been working to learn more about the resources serving immigrant residents. Mr. Lee noted that a number of churches provide assistance targeted at specific ethnicities.

Councilmember Bonincontri commended City staff and the community for this program. Responding to Ms. Bonincontri, Mr. Foran said that the City's current work with the human

services network is producing permanent improvements in terms of effectiveness and efficiency. He noted that the City's long tradition of encouraging strong neighborhoods has also been an important factor in the success of these efforts.

Deputy Mayor Balducci added her thanks to staff and the community for their hard work. She noted that neighborhood-based activities provided needed assistance while also strengthening neighborhood relationships and identity. She encouraged continued community events, and recalled the success of the community-wide celebration of neighborhoods this past summer at City Hall.

Councilmember Chelminiak stated that he is always impressed with the generosity of Bellevue residents and the effective public service of City staff. He thanked everyone for their hard work.

Councilmember Creighton expressed his appreciation for the efforts of staff and the community. He noted his involvement with the Human Services Commission and discussions with staff, and suggested that it might be necessary for the City to identify additional funding for human services.

Mayor Degginger concurred with the comments expressed by the Council, and added his congratulations to staff for their excellent work. He commended residents for their generosity.

(c) Utilities Department's Winter Storm Preparedness

Mr. Sarkozy introduced staff's presentation on winter storm preparedness. Mayor Degginger commended staff's hard work and dedication last year during snow events.

Mike Jackman, Assistant Director of Utilities, reviewed the City's goal with regard to winter storm preparedness to protect and mitigate the impacts to public safety, property, and the environment. The City is prepared to open up to five emergency shelters at the North Bellevue, Crossroads, Highland, and South Bellevue Community Centers, and the Northwest Arts Center. Operational objectives during storms are to maintain transportation mobility and access to critical facilities such as hospitals and fire stations; maintain water and wastewater pump stations; prevent and mitigate flooding and environmental impacts; and to activate the debris management plan.

Mr. Jackman explained that maintaining mobility is the key focus during snow and ice events. He described the challenges associated with the local topography, including areas at higher elevations. He reviewed snow and ice planning strategies that prioritize the City's response to provide the greatest good and to coordinate with other service providers. Snow and ice tactics include anti-icing, plowing, sanding, and de-icing.

Mr. Jackman said the City's resources include the Snow and Ice Response Plan as well as trained plow operators, snow plows, one anti-icing truck, and sand pile stocks at three locations in the community. Public communication activities include open houses, articles in *It's Your City*, media releases, utility bill inserts, and information on the City's web site. Community meetings

on winter weather preparedness are scheduled for October 28 at City Hall and November 18 at the Lewis Creek Visitors Center.

Deputy Mayor Balducci commended staff for the review provided after last year's storm, which allowed learnings from that event to make the program better. She thanked staff for upgrading the priority of 156th Avenue in the Crossroads area for snow removal. Ms. Balducci requested a presentation on the potential impacts to the community and the sewer system related to Green River Valley flood planning. She recalled that Bellevue's emergency shelters served citizens from outside of the city limits during past weather events. She encouraged a continued focus on planning for impacts and needs from outside of the immediate locality.

Councilmember Creighton stated that the City does a great job in its weather preparedness and response. However, he expressed concern that articulated buses along NE 8th Street do not work well in snow storms. Mr. Jackman said that Transportation staff have talked to Metro on this issue. While NE 8th Street is a main arterial, the City encourages the use of Bel-Red Road as an alternative during snow and ice due to the steep inclines on NE 8th Street.

Mayor Degginger noted the incidence of abandoned vehicles during snow storms, and asked what citizens should do if they become stuck due to snow or ice. Mr. Jackman said vehicles blocking roadways will be towed. He advised citizens to pull their vehicles toward the curb as much as possible to avoid causing a public safety hazard.

In terms of emergency preparedness, Councilmember Davidson advised having three days of food and water on hand to avoid the need to have to go out in inclement weather. Mr. Jackman suggested that citizens keep emergency supplies in their cars as well.

Responding to Councilmember Chelminiak, Mr. Jackman said staff met recently with Allied Waste to discuss garbage collection during storm events. Information will be provided to the public regarding how to store garbage if services are interrupted. The City and Allied Waste are also prepared to set up collection sites throughout the community during an extended event. Mr. Jackman said the City and Allied Waste coordinate as well to time the City's plowing of certain areas with garbage pickup.

Responding to Councilmember Bonincontri, Mr. Jackman said the City does not have standby arrangements with private snow removal contractors because they already have a heavy workload through ongoing contracts with private entities in weather emergencies. In further response, Mr. Jackman acknowledged the differing opinions on the use of salt versus sand for icy surfaces. The City balances public safety considerations with environmental impacts in its usage of salt to mitigate snow and ice.

Councilmember Lee said he attended the Regional Transit Committee meeting last week, in which there was a discussion about the preparedness of transit services. Mr. Jackman confirmed that City staff coordinate with Metro regarding snow response activities. A link to Metro's emergency information is provided on the City's web site.

Dr. Davidson suggested providing emergency information to neighborhood associations and community clubs.

(d) Regional Issues

(1) Animal Care and Control Services Briefing

Diane Carlson, Director of Intergovernmental Relations, opened discussion regarding King County's proposal to end its Animal Care and Control program.

Alison Bennett presented an overview of animal care and control services provided to Bellevue and most cities in King County. The current Interlocal Agreement was signed in 1996, and services are funded through pet license fees. Services include the sale of pet licenses, sheltering, field services, cruelty investigations and prosecutions, and inspections/licensing of pet shops and kennels. Ms. Bennett noted that the County's field response is inadequate, and therefore City personnel typically respond to animal control issues in Bellevue. Bellevue's City Attorney's Office also handles non-felony animal cruelty cases.

Independent reviews of the County's service operations in 2007 recommended an urgent need to reform the program, especially in shelters. At that time the County organized a stakeholder group which developed a strategic and operational plan. There were no representatives from cities in the group. The group drafted a number of reform proposals. However, no funding is available to implement the proposals. Ms. Bennett explained that the lack of adequate field response is due in part to the transfer of field personnel to shelters based on conclusions of the independent reviews.

Revenues generated by pet license fees in some cities, including Bellevue, are higher than the estimated cost of services provided in those cities. In contrast, the estimated costs of providing services in some south King County cities and unincorporated areas is higher than the revenue generated by their pet license fees.

The King County Executive's budget proposal terminates program funding after June 30, 2010. Legislation presented to the King County Council today recommends closing sheltering services on April 1. Ms. Bennett said the County is seeking a regional partnership model to provide services, but does not want to be in the lead role. The County has convened a County-Cities working group to consider this approach. King County is also reducing service levels due to flood preparations as the Kent shelter lies in the flood plain connected to the Howard Hansen Dam.

Ms. Bennett reviewed 2008 program data for Bellevue's services. The County logged 528 field service calls in Bellevue in 2008, and the City logged 350 cases. While there likely is some overlap in these cases, the data indicate that the City is providing services that it pays King County to provide.

Ms. Bennett reviewed delivery options for the three major functional areas: 1) Field services, 2) Sheltering, and 3) Pet Licensing. The options are for the City to provide its own services or to enter into a regional or subregional arrangement with other cities and potentially King County. Staff has identified draft criteria for considering the options including ability to deliver desired service levels, ability of the City to control costs and service levels, cost and complexity involved in implementing the option, City's ability to implement the option, stability and/or availability of service providers, and the flexibility of the option to adjust over time.

Next steps are to continue participation in the County's regional working group, work with cities and the Humane Society to evaluate a subregional option, and to develop program alternatives for Council consideration during the first quarter of 2010. Staff is seeking Council feedback on the options and evaluation criteria tonight.

Responding to Councilmember Davidson, Ms. Carlson said revenue from pet licensing fees has been supplemented by contributions from King County's General Fund to support the program. Dr. Davidson noted his frustration with the County's recurring budget issues and practice of reducing its services.

Councilmember Creighton observed that a relatively small percentage of pet owners obtain pet licenses. He questioned the potential for increasing licensing compliance. Ms. Bennett said the working group is looking for models from other jurisdictions to analyze this issue.

Councilmember Creighton concurred with Dr. Davidson's frustration with King County and its continued efforts to reduce funding for a number of functions including jail and court services, human services, transit, and animal care and control services. Mr. Creighton expressed support for contracting for field and shelter services, and for contracting or having the City provide pet licensing services. He encouraged efforts to increase the pet licensing compliance rate.

Councilmember Lee concurred with the comments about King County's service levels, and expressed support for considering other options. Responding to Mr. Lee, Ms. Bennett said staff is researching Renton's and Seattle's programs as possible models.

Deputy Mayor Balducci observed that the County's challenges are deep, ongoing, and multifaceted. She said the County's tax structure does not support the level of regional services it is required to provide. With regard to the animal control program, Ms. Balducci noted that Bellevue pays for more services than it receives. For some cities the opposite is true, and these cities' services are subsidized by Bellevue and other cities that are overpaying.

Ms. Balducci expressed support for continuing to do what is necessary in the short term to maintain existing services. For the long term, she suggested that Bellevue participate in a subregional effort to explore alternatives for providing the services.

Councilmember Bonincontri suggested attaching incentives to pet licenses to encourage residents to obtain licenses. She is in favor of a regional or subregional agency to provide the services in the long term.

Responding to Councilmember Chelminiak, Ms. Bennett opined that the County is not required by state law to provide its current level of services. However, staff is researching the issue further.

Councilmember Chelminiak said he would prefer that the City not enter into providing animal care and control services. However, he observed that the best long-term solution will likely involve a subregional effort among cities.

Dr. Davidson supports a subregional approach for animal control services. He continued to express his frustration with King County's tax rates and overall budget management. Although pet license fees are a major funding component of the animal control program, the program is also funded by the County's General Fund, which includes revenue generated by property taxes. Consistent with comments made earlier by Councilmember Lee, Dr. Davidson suggested that if cities must find an alternate way to provide animal control services, the County should return pet license fee revenues and a portion of property tax revenues to those cities.

Mayor Degginger observed that a subregional approach is inevitable, and that an alternative program to deliver services will likely have to be implemented within a short time period. He supports continuing to contract with the County only in the short term. He is not interested in continuing to subsidize other jurisdictions over the long term. Mayor Degginger asked staff to provide an update in November during the next regional issues discussion.

City Manager Steve Sarkozy commented that a subregional group is likely to be the best approach for obtaining the level of services desired by Bellevue and like-minded cities. He encouraged the Council to also address the broader issue of what is happening with the property taxes that are being paid to King County, especially relative to the continued reductions in service levels.

(2) Draft Interest Statement on PSRC Transportation 2040 Plan

Ms. Carlson referred the Council to the meeting desk packet for the revised Draft Interest Statement on the Puget Sound Regional Council (PSRC) Transportation 2040 Plan.

Councilmember Lee said he would like the interest statement to highlight the City's local transit vision.

Councilmember Chelminiak expressed support for the interest statement. However, he observed that it does not provide clear direction to the PSRC Executive Board regarding Bellevue's specific priority projects. He said that tolling on some arterials is included in the outer years of the plan. He questioned whether this, and the overall plan, is good for the community and the local economy.

Mayor Degginger noted his preference that the plan focus on fewer specific projects in metropolitan areas rather than spread the money too thinly and result in lower impact projects. Mr. Chelminiak added his concern that the plan requires tolls to fully fund projects.

Deputy Mayor Balducci reported on discussions at a joint meeting of the Pricing Task Force and Transportation 2040 Plan Committee, which focused mostly on the funding side of the plan versus expenditures. The constrained portion of the plan is a \$200 billion plan, and approximately half of this is Sound Transit regional projects. However, local transit investments are lower.

Ms. Balducci said the larger, more costly projects that are priorities for Bellevue are on the project list. She concurred with Councilmember Chelminiak about the need for more specific Council direction regarding projects and priorities. The current funding package includes an emphasis on user fees, which was not present previously. She noted that it is intended more as a policy document than a detailed plan. Ms. Balducci confirmed that the plan includes tolls and HOT lanes on freeways, tolls on local arterials and streets, and increasing VMT (vehicle miles traveled) taxes. She feels this is not a politically viable plan that will be acceptable to citizens. Ms. Balducci noted there is an unconstrained (unfunded) portion of the plan as well. Ms. Balducci noted that the planning process is moving quickly.

Responding to Mr. Chelminiak's question about whether the plan is focused on metropolitan centers, Transportation Policy Advisor Kim Becklund said the plan does provide significant funding for projects in the Vision 2040 plan that are priorities for Bellevue. She noted that the current planning process is attempting to predict perhaps too far into the future to be accurate. However, the plan is also trying to sufficiently plan for expected growth. Ms. Becklund suggested it would be more effective for the plan to focus on goals based on 10-year incremental periods. She noted a national trend toward treating transportation more as a utility.

Councilmember Bonincontri observed that in making a significant investment in mass transit, the plan is attempting to change the travel behavior of individuals. The result could be roads focused on moving goods and services, and therefore those parties will be the primary payers of tolls and user fees. She acknowledged this to be perhaps an over-simplification of the plan, although it appears to be the general direction.

Ms. Bonincontri feels Bellevue's vision is reflected in the interest statement. However, she suggested the statement be more specific about implementation components. For example, to what extent does the 2040 Plan's significant investment in regional transit benefit Bellevue? She is concerned about the multiple pricing mechanisms in the plan, which essentially are all user fees from a citizen's point of view, regardless of the intended purpose and use of the revenues generated by each specific mechanism. She feels this is confusing and somewhat misleading for citizens.

Councilmember Lee stated he is very concerned about the plan's estimated costs of \$200 billion, and that the planning process is moving too quickly. He noted that citizens do not want to lose the freedom of using their vehicles. He expressed general support for the principles contained in

the interest statement, and encouraged the consideration of all options. He suggested drafting a separate statement regarding a sustainable funding plan.

Councilmember Chelminiak stated his interest in meeting Bellevue's needs as well as the larger region. He concurred with Ms. Balducci's concern that a significant amount of money in the 2040 Plan is directed toward regional transit, but there is little funding for local transit. He observed that adequate local transit services are needed in order to connect to the regional transit system.

Responding to Councilmember Chelminiak, Ms. Becklund said the plan does not explicitly state that toll revenue will be spent on local transit. However, the plan does indicate that eventually toll revenue could be spent on corridor performance, including transit services. Ms. Becklund noted there is currently no authority for this type of approach.

Responding to Dr. Davidson, Ms. Becklund said the plan reflects tolling on potentially all major highways.

Deputy Mayor Balducci said tolls on I-5 apply only to the express lanes in the 2040 Plan. Ms. Balducci summarized the three types of tolls: 1) Tolls to finance a project, 2) Tolls aimed at congestion management, and 3) System tolls encompassing a broader base of roadways.

Councilmember Creighton observed that the difference between the 2030 and 2040 plans is that the latter directly addresses how projects will be funded. He expressed concern that the Sound Transit light rail plan does not provide sufficient park and ride capacity, and the 2040 Plan does not provide adequate local transit to connect to light rail.

Mayor Degginger summarized that Councilmembers are interested in a plan that is environmentally and financially sustainable. He commented on the challenge of drafting a plan to attain certain goals, and then gaining public acceptance on how to achieve the goals. While a tax based on vehicle miles traveled is a relatively straightforward way to implement a user fee, the question that arises is how to divide and allocate the revenues.

Deputy Mayor Balducci reviewed what she is hearing from the Council. One is general support for fixed tolls to fund projects, and for variable tolls to mitigate congestion by influencing driver behavior. Based on the discussion, she suggested that the interest statement highlight the need for local transit service in order to provide effective connections to regional transit and to offer an alternative travel mode, especially as tolls are implemented. Ms. Balducci explained that all of the pricing mechanisms in the plan, including tolls on arterials, are needed to fully fund the plan. However, she observed that the reality may be that the plan cannot be completed by 2040. She is in favor of a gradual, incremental implementation of the plan and of the introduction of tolls and fees.

Councilmember Chelminiak expressed concern that as tolls and fees are added, people might choose to move out of the urban areas, thereby defeating the goal of focusing growth within urban areas. He further observed that none of the plans reduce greenhouse gases. However, Mr.

Chelminiak feels comfortable that the plan has the projects needed for Bellevue and regional growth.

Responding to Mayor Degginger, Ms. Becklund said staff will revise the interest statement based on Council's input.

At 8:52 p.m., Mayor Degginger declared a short break. The meeting resumed at 9:02 p.m.

(3) State Legislative Update

Ms. Carlson briefly reviewed the first draft of the 2010 State Legislative Agenda, provided in the meeting packet. The legislature will be working toward a decision on the west side design of the SR 520 bridge and corridor project. Bellevue will continue to advocate for moving forward with the portion of the SR 520 project on the east side of the lake. Bellevue and Redmond are urging the legislature to advance two projects associated with the SR 520 project: 1) Full interchange at 124th Avenue NE, and 2) Slip ramp at 148th Avenue NE. Neither project is in the SR 520 Plan or funded.

Responding to Councilmember Bonincontri, Ms. Carlson said the introduction of tolling on the SR 520 bridge has been delayed to 2011. Mayor Degginger stated that the pontoons have been funded.

Ms. Carlson reviewed the next transportation priority, which is the authorization of express lane tolling on I-405 and completion of the westbound approach to NE 6th Street.

Mayor Degginger noted that the Washington State Department of Transportation is interested in changing the requirements for HOV lanes on I-405 to a minimum of three persons per vehicle.

Ms. Carlson said the third transportation priority area addresses more flexibility for cities in the use of Transportation Benefit District funds, local authority for supplemental transit services, and street utility funding authority. The City of Spokane has been leading an effort supporting the reauthorization of street utility funding. Bellevue did not utilize the authority when it was available in the 1990s. Mike Doubleday, lobbyist, said the Association of Washington Cities is an active supporter of reauthorization as well.

Responding to Councilmember Davidson, Mr. Doubleday confirmed that the street utility authority implemented by the City of Seattle was determined to be unconstitutional. Mr. Doubleday said the current proposal reflects a trip generation per household fee, which is similar to a fee in Oregon. Ms. Carlson said the AWC's proposal is modeled on a water utility approach. Some cities are interested in this mechanism to fund local transportation investments.

Councilmember Davidson said he is hesitant to support the street utility funding authority issue without first learning more about it. Councilmember Lee concurred.

Ms. Carlson noted additional priorities including stormwater funding and brokered natural gas.

Deputy Mayor Balducci stated her assumption that local transit services would be required to allocate services to accommodate growth in order to be in compliance with the state Growth Management Act. Ms. Carlson said the transportation concurrency standard does not apply to transit. Ms. Balducci said she would like to discuss this issue further and to consider it as a potential legislative priority.

Ms. Carlson noted the draft letter in Council's desk packet to the King County Council, urging that the County provide funding for human services in its 2010 Current Expense budget.

Councilmember Creighton said it is critical that the County not withdraw this funding support.

Mayor Degginger noted a consensus to proceed with the letter.

(e) Continued Discussion Regarding Enatai Residents' Request for Tree Preservation Requirements to Protect Neighborhood Character

Planning Director Dan Stroh recalled the October 5 discussion with the Council regarding a request from a group of Enatai residents for additional tree preservation requirements to protect neighborhood character. The question before the Council in tonight's presentation is whether to pursue a Land Use Code Amendment (LUCA) that would add enhanced tree preservation standards for single-family properties with no current development activity. He noted that the LUCA process will require significant effort on the part of the public, Planning Commission, and City staff.

Mike Kattermann, Senior Planner, reviewed three options for moving forward with this issue. The first is the standardized approach in which the Planning Commission considers the issues, holds a public hearing, and develops a LUCA recommendation for the Council. This approach builds on the Bridle Trails tree ordinance model and provides a standardized regulatory framework. However, this option creates a new layer of regulation, increases costs for property owners, and includes a significant process involving the community, staff, Planning Commission and the City Council. This approach also impacts land use permitting and code enforcement workloads.

The second option is to address only the specific Enatai request, and to follow the process used for the Bridle Trail neighborhoods. This option involves the standard LUCA process as described above, but does not address future similar requests from other areas of the community. The third option is a non-regulatory, education-based approach in which the City would provide written materials about tree preservation and work with neighborhood groups as requested to encourage tree preservation. This option does not involve any regulatory changes, so it does not add to the existing permitting and code enforcement workload. The outreach could be staff-intensive, depending on the number of neighborhood requests.

Mr. Kattermann reviewed the guiding principles recommended by staff to be used if the Council wishes to pursue a regulatory approach through Options 1 or 2.

Mayor Degginger observed that the Bridle Trails process was effective for that area, which has large lots. The Enatai neighborhood has a higher density and smaller lots. He suggested that this could be a good opportunity to test tree preservation standards in a more densely developed neighborhood.

Councilmember Chelminiak said he continues to be troubled by the concept of “significant tree”, which was defined within the context of development in approximately 1985. He noted that the definition varies across jurisdictions in terms of the size of tree considered to be significant. Mr. Chelminiak said the Bridle Trails regulations apply only to larger (i.e., one acre) lots, and not to smaller lots. He prefers to address the issue with a non-regulatory approach involving community education and working with individual residents.

Deputy Mayor Balducci expressed support for Option 1. Referring to the guiding principles proposed for the Planning Commission’s review, she suggested replacing neighborhood advocacy with neighborhood consensus in support of tree preservation standards. Ms. Balducci encouraged a streamlined procedure for submitting requests for enhanced tree preservation standards. She is in favor of moving forward and referring the issue to the Planning Commission.

Responding to Councilmember Bonincontri, Mr. Stroh said Options 1 and 2 would require approximately six months for the LUCA process.

Councilmember Bonincontri commented on the challenge of balancing property rights with tree preservation. She prefers an educational approach, and encouraging residents to replace trees that need to be removed. However, she acknowledged the lack of enforcement with this approach. Ms. Bonincontri expressed support for Option 2, a LUCA process involving only the Enatai area.

Councilmember Lee said he is in favor of recognizing and preserving the individual character of neighborhoods. He expressed a preference for Option 2.

Responding to Mr. Lee, Mr. Stroh said the Bridle Trails tree regulations appear to be successful. He said staff sees Option 2 as an opportunity to test the approach in neighborhoods with smaller lots.

→ Deputy Mayor Balducci moved to extend the meeting until 10:30 p.m., and Councilmember Bonincontri seconded the motion.

→ The motion to extend the meeting carried by a vote of 7-0.

Councilmember Davidson expressed support for Option 2

Councilmember Creighton said he is willing to proceed with Option 2 as a pilot program. However, he noted his concerns about property rights and applying tree preservation regulations to smaller lots.

Ms. Balducci said she is willing to support Option 2. However, she is hesitant to proceed without first defining the boundaries of the Enatai area and then determining the level of neighborhood support for tree regulations. Councilmember Creighton concurred with this concern.

Responding to Mayor Degginger, Mr. Kattermann confirmed that staff would work with the Enatai community to define boundaries and determine the level of support.

Deputy Mayor Balducci noted she will not want to move forward with a LUCA if there is not sufficient neighborhood support in favor of tree regulations.

Councilmember Chelminiak observed that the guiding principles do not address the Council's concerns, including those about how to define a neighborhood and how to determine an acceptable level of support. He noted concerns about potential conflicts with covenants and with residents who favor views and/or sunlight over trees.

Mr. Chelminiak expressed concern that under Option 2, City staff and neighborhood advocates will make the decisions and create the regulations. He recalled the Council's previous concerns about the appropriate threshold for determining neighborhood support. He reiterated his support for an educational approach, instead of following what other cities do in terms of restricting tree removal.

Mr. Chelminiak said he is concerned about the extensive staff time that will be required for a LUCA process, which will compete with other Council priorities including shopping center redevelopment and Eastgate park property development.

Mayor Degginger asked staff to revise the guiding principles based on tonight's comments and to return for further Council discussion. He suggested adding a principle indicating that exceptions and/or variances will be accommodated in the final regulations.

At 10:14 p.m., Mayor Degginger declared the meeting adjourned.

Myrna L. Basich
City Clerk

kaw